

REMARKS

Applicant replies to the final Office Action dated March 23, 2010, within three months. The Examiner rejects all pending claims 1-25. Applicant cancels claims 10-25 without prejudice to filing one or more claims having similar subject matter in other applications. Applicant also adds new claims 26-29. Support for the amended claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amended claims. Applicant asserts that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects 1, 3, 5-14, and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Weichert (U.S. Patent Application Publication No. 2004/0117302) in view of Hirka (U.S. Patent Application Publication No. 20030061157), and further in view of Iannacci (U.S. Patent No. 7,318,049). The Examiner also rejects claims 2, 4, 15, and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Weichert in view of Hika and Iannacci, and further in view of Blagg (U.S. Patent Application Publication No. 2004/0049452). Applicant respectfully disagrees with the Examiner's rejection; however, Applicant amends certain pending claims without prejudice or disclaimer to expedite prosecution and to clarify the patentable features of the claims.

Weichert teaches a method for making payments to a payee using a payment account. Information on a number of payment accounts is retrieved, and a user is presented with a list of the payment accounts from which to choose for completing a transaction. One of the payment accounts is suggested to the user based on inadequacy of an initially selected payment account (e.g., insufficient funds). **Weichert does not disclose or contemplate selecting an account based on the type of product being purchased or the type of merchant from whom the product is being purchased. Moreover, Weichert does not disclose or contemplate accessing a particular account based on a unique biometric indicator. Further, Weichert is completely silent regarding the selection of a particular authorizer based on the account being used.**

Hirka teaches the imposition of merchant and customer rules to determine which account is to be charged. For example, a particular merchant may want to impose rules to avoid using a credit account for small purchases because of the fees associated with the using a credit account to process a transaction. **However, like Weichert, Hirka does not disclose or contemplate electing an account based on the type of product being purchased or the type of merchant from whom the product is being purchased or accessing a particular account based on a unique biometric**

indicator associated with the account.

Iannacci discloses an account management system which maximizes benefits associated with using a particular transaction account. However, Iannacci does not disclose customer defined selection criteria based on account owner defined criteria, nor does Iannacci disclose or contemplate accessing a particular account based on a unique biometric indicator associated with the account.

As such, Applicant asserts that none of the cited references alone, or in combination disclose or contemplate at least: “selection criteria . . . defined by an owner of said common account” “receiving, by said computer based system, at least one of a first biometric indicator and a second biometric indicator, wherein said first biometric indicator is associated with said first transaction account and said second biometric indicator is associated with said second transaction account” and/or “accessing, by said computer based system, said selected transaction account based on said selection criteria and at least one of said first biometric indicator and said second biometric indicator” as similarly set forth in independent claims 1, 9, and 29.

Further, Weichert and Hirka each teach away from providing a common account number used by a consumer. Specifically, Weichert teaches that a user selects an account to be charged. Hirka teaches that merchants impose rules and preferences on the user. In contrast, the presently claimed invention recites that the computer based system provides “the common account identifier” and not the first or second account identifier to the merchant.

Furthermore, claims 2-8 and 26-28 variously depend from independent claim 1. As such, Applicant assert that claims 2-8 and 26-28 are differentiated from the cited references for the same reasons as set forth above, in addition to their own novel features. Thus, Applicant respectfully request allowance of all claims 1-9 and 26-29.

Applicant respectfully submits that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept this as a petition therefore. Applicant invites the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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